

REMARKS/ARGUMENTS

Favorable reconsideration of the above-identified patent application, in light of the above amendments and the following remarks is respectfully requested. The presently pending claims are claims 1-20. Claims 1, 16, and 20 have been amended.

In the Office Action, the Examiner rejected claims 1-3 and 14-18 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,905,945 to Peterson (Peterson). The Examiner stated that Peterson discloses a boot receiving a trash can. The Examiner also stated that the shape of the boot would correspond to the shape of the trash can.

In response, the Applicant has amended independent claims 1 and 16 to better differentiate Applicant's invention from Peterson. Peterson discloses a refuse can stabilizing apparatus. The stabilizing apparatus is positioned on the bottom portion of the refuse can and includes a flared base with a weighted interior section. Peterson specifically utilizes this apparatus to prevent the trash can from being tilted. On the other hand, the Applicant's invention is a boot that *conforms to and is flush with* the sides and bottom of the trash can (i.e., no flaring of the boot), which enables the trash can and boot to be *tilted* when dragging the trash can. Peterson does not teach or suggest a base which may be tilted. In fact, Peterson teaches against tilting the trash can.

Claims 2, 3, 14 and 15 depend from independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. In addition, claims 17 and 18 depend from independent claim 16 and recite additional limitations in combination with the novel elements of

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claim 16. Therefore, the withdrawal of the rejection and the allowance of claims 1-3 and 14-18 is respectfully requested.

The Examiner rejected claims 4-13 and 19 under 35 U.S.C. 103 (a) as being unpatentable over Peterson in view of U.S. Patent No. 3,272,466 to Sherman (Sherman). The Examiner stated that Herman discloses a device having a boot with a central hole defining a supporting shelf receiving a tall container. The Examiner stated that it would have been obvious to one skilled in the art at the time the invention was made to have provided the boot shown by Peterson with a central hole having a shelf as shown by Sherman to receive the can.

In response, the Applicant has amended independent claims 1 and 16 to better differentiate Applicant's invention from Peterson and Sherman. As discussed above, Peterson discloses a refuse can stabilizing apparatus. The stabilizing apparatus is positioned on the bottom portion of the refuse can and includes a flared base with a weighted interior section. Peterson specifically utilizes this apparatus to prevent the trash can from being tilted. In a similar manner, Sherman is a mount which is constructed to keep the trash can upright. Additionally, Sherman discloses a flare base to maintain the trash can in the upright position. Both Sherman and Peterson teach away from tilting the trash can. Rather, Sherman and Peterson primarily purpose is to prevent the trash can from moving away from an upright position. The Applicant's invention is a boot that conforms to the sides and bottom of the trash can (i.e., no flaring of the boot), which enables the trash can and boot to be tilted when dragging the trash can. Neither Peterson nor Sherman provide any motivation to construct a mount or base which allows the trash can to tilt.

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Claims 4-13 depend from independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. In addition, claim 19 depends from independent claim 16 and recites additional limitations in combination with the novel elements of claim 16. Therefore, the withdrawal of the rejection and the allowance of claims 4-13 and 19 is respectfully requested.

The Examiner rejected claim 20 under 35 U.S.C. 103 (a) as being unpatentable over Peterson in view of Sherman and U.S. Patent No. 4,342,131 to Reid (Reid). The Examiner stated that Reid shows a boot having wheels and a boot receiving a tall container. The Examiner also stated that it would have been obvious to one skilled in the art at the time the invention was made to have provided the device with wheels as shown by Reid to make easy to move the container from one location to another.

In response, the Applicant has amended independent claim 20 to better differentiate Applicant's invention from Peterson, Reid, and Sherman. Peterson discloses a refuse can stabilizing apparatus. The stabilizing apparatus is positioned on the bottom portion of the refuse can and includes a flared base with a weighted interior section. Peterson specifically utilizes this apparatus to prevent the trash can from being tilted. Likewise, Sherman is a device used to prevent the container from tipping over. Reid is a container on wheels, but does not teach or suggest a device which allows the container to be tilted. The Applicant's device allows the container to be tilted and then moved by use of the wheels. Therefore, the withdrawal of the rejection and the allowance of claim 20 is respectfully requested.

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CONCLUSION

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the rejection and the allowance of claims 1-20.

Respectfully submitted,



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Dated: 9-20-05
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